

EXHIBIT H



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December 21, 2018

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***Via Electronic Mail: [james.wakley@ohioattorneygeneral.gov](mailto:james.wakley@ohioattorneygeneral.gov)***

James Wakley  
Senior Assistant Attorney General - Health & Human Services  
Office of the Ohio Attorney General Mike DeWine  
30 E. Broad Street, 26<sup>th</sup> Floor  
Columbus, OH 43215

***Re: National Prescription Opiate Litigation, Case No. 1:17-md-02804  
Ohio Department of Health Production Deficiencies***

Mr. Wakley:

We are disappointed with the Ohio Department of Health's ("ODH") response to our concerns in your December 19, 2018 letter. To be clear, we have never claimed that ODH is intentionally withholding responsive documents. Our concern remains that ODH is not meeting its legal obligations to locate responsive documents. It is of no value to claim documents are not being withheld when ODH has not demonstrated sufficient efforts to identify them in the first place. Hailing the 1149 documents produced to date similarly means little when many of those documents are non-responsive or duplicative, and the vast majority of the categories of requested documents remain outstanding.

Your labeling of my questions in my last letter as "interrogatories" is unhelpful. ODH has claimed to need our help to identify and locate responsive documents, including a request for email search terms, yet when I requested information necessary to perform that function, ODH has refused to provide it. After four and a half months to locate responsive documents you either refuse or are unable to tell us: (1) what types of responsive documents ODH possesses, (2) where they are stored, (3) the format of storage, (4) relevant custodians, (5) what searches have been performed, (6) any technological limitations you have encountered, and (7) the time frame for when the productions will be complete. If ODH has this information, why not provide it? If, as you claim, ODH has performed a "diligent search of the records available," please provide the details of those efforts. Similarly, please explain the basis for your claim that our requests are "burdensome, vague, and unlikely to lead to the discovery of relevant evidence."

I have enclosed a list of email search terms per your request. They are provided in an effort to facilitate production of potentially responsive emails, but do not serve as a replacement for ODH's obligation to identify and produce responsive documents based on its superior knowledge of the documents and subject matter covered by the subpoena. If you believe additional or different search terms will provide better results, please let me know right away.

Finally, we are still waiting for your response to our December 5, 2018 letter concerning which 30(b)(6) topics Ms. Defiore-Hyrmer will testify, and whether ODH will identify a different witness(es) for other topics. Please provide this information promptly.



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Given the lack of progress to date concerning the above issues, including as described in our December 5 and December 14, 2018 letters, we will be seeking the Court's intervention. I remain available to discuss these issues.

Very truly yours,

TUCKER ELLIS LLP

A handwritten signature in blue ink, appearing to read "Justin E. Rice".

Justin E. Rice  
Attorney

JER:mgw  
Enclosure

cc: Yvonne Tertel (via email)  
Tariq M. Naeem, Esq.

**Search Terms Offered to Ohio Department of Health  
December 21, 2018**

1. Purdue or Activas or Allergan or Watson or Cephalon or Teva or Janssen or Johnson or Ortho-McNeil-Janssen or Noramco or Endo or Par or Insys or Mallinckrodt or Cardinal or McKesson or Amerisource\* or Smith or Anda or “Discount Drug” or “Prescription Supply” or CVS or HBC or “Giant Eagle” or RiteAid OR “Rite Aid” or Walgreens or Walmart or Wal-Mart
2. OxyContin or Oxy or “MS Contin” or Dilaudid\* or Butrans or Hysingla\* or Targiniq\* or Kadian or Norco or Actiq or Fentora or Duragesic or Nucynta\* or Opana or Percodan or Percocet or Zydane or Subsys or Exalgo or Roxicodone or Xartemis\* or Methadose
3. opioid\* or opiate\* or opiod\* or opoid\* or heroin or herin or herion or fentanyl
4. oxycodone or morphine or hydrocodone or hydromorphone or hydromorphine or buprenorphine or fentanyl or tapentadol or oxymorphone or carfentanil
5. Narcan or naltrexone or naloxone or Revia or Vivitrol or Bunavail or Zubsolv or buprenorphine or methadone or suboxone
6. “pill mill\*” or “pillmill\*” or addict\* or overdos\* or (suspicious /10 prescrib\*) or (suspicious /10 \*order) or DEA or “Drug Enforcement Agency”
7. (Drug /25 (dispos\* or take-back or takeback or “take back”)) or Detera or “needle exchange” or “substance abuse prevention” or “Project DAWN” or “Recovery Court” or “drug court” or “Crossroads” or “Turning Point Program” or “medication assisted treatment” or MAT or “recovery coach”
8. painkiller\* or pain-killer\* or “pain killer” or “pain medic\*” or analgesic\*
9. (pain w/25 (chronic\* or “long-term” or extend\* or treat\* or doctor\* or “Dr.” or prescrib\* or prescript\* or nurse\* or physician\* or specialist\* or provider\* or HCP\* or PCP\*))